

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VILMA VACCARO,

Civil Action No.:

Plaintiff,

-against-

VALENTINE & KEBARTAS, INC.,

Defendant(s).

COMPLAINT

JUDGE KARAS

DEMAND FOR JURY TRIAL

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Plaintiff VILMA VACCARO ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., as and for its complaint against the Defendant VALENTINE & KEBARTAS, INC., ("V&K") hereinafter referred to as Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff bring this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA).

PARTIES

2. Plaintiff is a resident of the State of New York, residing at 7 Garrett Ave., Congers, N.Y. 10920.

3. Defendant VALENTINE & KEBARTAS, INC. is a corporation with its main office located at 15 Union St., Lawrence, MA 01840.

4. VALENTINE & KEBARTAS, INC., is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1337(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff approximately during the month of June 2011 by calling the Plaintiff to the phone number of 845.570.0121 and leaving a message on the phone.

10. The Defendant's message was left by Jackie Martin (800.731.766 extension 233). Ms. Martin did not include disclosures in the message.

11. The Defendant violated 15 USC §1692 e (11) when its representative failed to include the required disclosures that Defendant is a debt collector attempting to collect a debt, and any information obtained would be used for that purpose.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same

were set forth at length herein.

13. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692 e (11).

14. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

15. Plaintiff VILMA VACCARO hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff VILMA VACCARO demands judgment from the Defendants VALENTINE & KEBARTAS, INC., as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1);
- B. For statutory damages provided and pursuant to 15 USC §1692k (2) (A);
- C. For statutory damages provided and pursuant to 15 USC §1692k (2) (B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k (a) (3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
July 12th, 2011

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582

Attorney for the Plaintiff Vilma Vaccaro

To: VALENTINE & KEBARTAS, INC.
15 Union Street
St. Lawrence, MA 01840

(Via Prescribed Service)

Clerk,
United States District Court, Southern District of New York
(For Filing Purposes)

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